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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,861	03/31/2004	Craig A. Webster	PAT-032B1	5590
29129	7590	01/22/2009		
MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154			EXAMINER MCLEOD, MARSHALL M	
			ART UNIT 2457	PAPER NUMBER
			NOTIFICATION DATE 01/22/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MAZARINELLI@WEST.COM

### Office Action Summary

**Application No.**

10/814,861

**Applicant(s)**

WEBSTER ET AL.

**Examiner**

MARSHALL MCLEOD

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date 12/31/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office action has been issued in response to amendment filed 12 November 2008. Claims 1-28 are pending. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are not persuasive as to claims 1-28.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (Patent No US 5,483,587), hereinafter Hogan, in view of Eran (Pub. No US 2005/0069114 A1) and further in view of Homeier et al. (Patent No US 7,298,834 B1), hereinafter Homeier.**

4. With respect to claim 1, Hogan discloses a method of entering a host into a new conference call (Column 1, lines 34-38; i.e. the provided to control the setup, origination...of the conference call), the method comprising at least the following:

a. receiving a call from a given caller at a VRU (Column 7, lines 14-21);

- b. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);
- c. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);
- d. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);
- e. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console) ;
- f. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server receiving the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);
- g. determining that the given caller is a conference host (Column 23, lines 15-18; i.e. host = leader);
- h. determining that at least one participant has called in previously to the given caller (Column 19, lines 26-32; i.e. previously = remind the participant why they are

being contacted and whether or no they still want to participate) and has provided a conference code that is at least related to the conference code entered by the given caller (Column 20, lines 63-67 and continued through Column 21, lines 1-4; i.e. conference code entered = upon input from the participant.);

- i. requesting that a new conference be created that corresponds to the conference code entered by the given caller (Column 15, lines 33-35; i.e. a new conference = unique conference ID to the specific conference requested by the caller.);
- j. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);
- k. loading the data store with at least the conference code, the unique identifier for the new conference (Column 15, lines 29-35).

Hogan does not disclose

- l. assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference;
- m. corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer;
- n. providing the unique identifier to the one mixer and the VRU;

- o. providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU;
- p. loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier; and
- q. placing the VRU and the one mixer in audio communication.

However, Eran discloses placing the VRU and the one mixer in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference; corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to the one mixer and the VRU; providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU;

loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

However, Homeier discloses assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference (Column 8, lines 15-56); corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to the one mixer and the VRU (Column 8, lines 15-56); providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU (Column 8, lines 15-56); loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer.

5. With respect to claim 24, Hogan discloses a method of entering a conference call participant into a new conference call (Column 1, lines 34-38; i.e. the provided to control the setup, origination...of the conference call), the method comprising at least the following:

- a. receiving a call from a given caller at a VRU (Column 7, lines 14-21);
- b. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);
- c. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);
- d. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);
- e. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console);
- f. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server receiving the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);



- g. determining that the given caller is a conference participant (Column 23, lines 15-18; i.e. participant = leader);
- h. requesting that a new conference be created that corresponds to the conference code entered by the given caller (Column 15, lines 33-35; i.e. a new conference = unique conference ID to the specific conference requested by the caller.);
- i. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);
- j. loading the data store with at least the conference code, the unique identifier for the new conference (Column 15, lines 29-35).

Hogan does not disclose

- k. assigning the new conference to one of a plurality of mixers;
- l. providing the unique identifier to the one mixer and the VRU;
- m. providing a mixer identifier that uniquely identifies the one mixer to the VRU;
- n. loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier; and
- o. placing the VRU and the one mixer in audio communication.

However, Eran discloses placing the VRU and the one mixer in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference; corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to the one mixer and the VRU; providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU; loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

However, Homeier discloses assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference (Column 8, lines 15-56); corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to

the one mixer and the VRU (Column 8, lines 15-56); providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU (Column 8, lines 15-56); loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer.

6. With respect to claim 25, Hogan discloses a method of entering a conference call participant into a new conference call, the method comprising at least the following:
- a. receiving a call from a given caller at a VRU (Column 7, lines 14-21);
  - b. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);
  - c. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a

signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);

d. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);

e. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console);

f. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server receiving the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);

g. determining that the given caller is a conference participant (Column 23, lines 15-18; i.e. participant = leader);

a. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);

b. loading the data store with at least the conference code, the unique identifier for the new conference (Column 15, lines 29-35).

Hogan does not disclose

c. requesting that the given caller be placed on hold until a conference host associated with the conference code calls in; and

- d. when the conference host calls in, performing at least the following: assigning the new conference to one of a plurality of mixers;
- e. assigning the new conference to one of a plurality of mixers;
- f. providing the unique identifier to the one mixer and the VRU;
- g. providing a mixer identifier that uniquely identifies the one mixer to the VRU;
- h. loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier; and
- i. placing the VRU and the one mixer in audio communication.

However, Eran discloses requesting that the given caller be placed on hold (Page 1, [0010], lines 1-5) until a conference host associated with the conference code calls in (Page 2, [0012], lines 1-4; i.e. host = chairman, decides to mute the noisy conferee or not).

- j. assigning the new conference to one of a plurality of mixers (Page 3, [0035], lines 2-11; i.e. each analyze and enhance unit is assigned to a single participant...that will be routed via switch to the mixer); and
- k. placing the VRU and the one mixer in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose providing the unique identifier to the one mixer and the VRU; providing a mixer identifier that uniquely identifies the one mixer to the VRU; loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

However, Homeier discloses providing the unique identifier to the one mixer and the VRU (Column 8, lines 15-56); providing a mixer identifier that uniquely identifies the one mixer to the VRU (Column 8, lines 15-56); loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer.

7. With respect to claim 26, Hogan discloses a method of entering a conference call participant into a new conference call, the method comprising at least the following:

- g. receiving a call from a given caller at a VRU (Column 7, lines 14-21);
- h. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);

- i. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);
- j. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);
- k. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console);
- l. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server receiving the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);
- h. determining that the given caller is a conference participant (Column 23, lines 15-18; i.e. participant = leader);
- l. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);
- m. loading the data store with at least the conference code, the unique identifier for the new conference (Column 15, lines 29-35).

Hogan does not disclose

- n. requesting that the given caller be connected with at least a further caller temporarily until a conference host associated with the conference code calls in; and when the conference host calls in, performing at least the following:
  - o. assigning the new conference to one of a plurality of mixers;
  - p. providing the unique identifier to the one mixer and the VRU;
  - q. providing a mixer identifier that uniquely identifies the one mixer to the VRU;
  - r. loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier; and
  - s. placing the VRU and the one mixer in audio communication.

However, Eran discloses requesting that the given caller be connected with at least a further caller temporarily (Page 1, [0010], lines 1-5; i.e. the conferee may be connected to the conference) until a conference host associated with the conference code calls in (Page 2, [0012], lines 1-4; i.e. host = chairman).

- t. assigning the new conference to one of a plurality of mixers (Page 3, [0035], lines 2-11; i.e. each analyze and enhance unit is assigned to a single participant...that will be routed via switch to the mixer);
- u. providing the unique identifier to the one mixer and the VRU (Page 3, [0036], lines 1-5; i.e. unique identifier = enhanced streams from all the selected participants...each stream having a different mix); and



- v. placing the VRU and the one mixer in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose providing the unique identifier to the one mixer and the VRU; providing a mixer identifier that uniquely identifies the one mixer to the VRU; loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

However, Homeier discloses providing the unique identifier to the one mixer and the VRU (Column 8, lines 15-56); providing a mixer identifier that uniquely identifies the one mixer to the VRU (Column 8, lines 15-56); loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer

failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer.

8. With respect to claim 27, Hogan discloses a method of entering a host into a new conference call (Column 1, lines 34-38; i.e. the provided to control the setup, origination...of the conference call), the method comprising at least the following:

- a. receiving a call from a given caller at a VRU (Column 7, lines 14-21);
- b. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);
- c. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);
- d. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);
- e. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console) ;

- f. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server, wherein the server receives the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);
- g. determining that an existing conference is at least related to the conference code entered by the given caller (Column 20, lines 63-67 and continued through Column 21, lines 1-4; i.e. conference code entered = upon input from the participant.);
- h. determining that the given caller is a conference host (Column 23, lines 15-18; i.e. host = leader);
- i. requesting that a new conference be created that corresponds to the conference code entered by the given caller (Column 15, lines 33-35; i.e. a new conference = unique conference ID to the specific conference requested by the caller.);
- j. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);
- k. obtaining from the data store at least the unique identifier for the existing new conference (Column 15, lines 29-35).

Hogan does not disclose

- l. obtaining from the data store at least the unique identifier for the existing new conference and the mixer identifier related to the mixer hosting the existing conference; and

- m. placing the VRU to which the given caller is connected and the mixer hosting the existing conference in audio communication.

However, Eran discloses placing the VRU to which the given caller is connected and the mixer hosting the existing conference in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose obtaining from the data store at least the unique identifier for the existing new conference and the mixer identifier related to the mixer hosting the existing conference.

However, Homeier discloses obtaining from the data store at least the unique identifier for the existing new conference and the mixer identifier related to the mixer hosting the existing conference (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer

failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer

9. With respect to claim 28, Hogan discloses a method of entering a host into a new conference call (Column 1, lines 34-38; i.e. the provided to control the setup, origination...of the conference call), the method comprising at least the following:

- a. receiving a call from a given caller at a VRU (Column 7, lines 14-21);
- b. receiving at least a conference code from the given caller at the VRU (Column 14, lines 39-45; i.e. caller simply pressing a number on the keypad corresponding to the conference call selection);
- c. forwarding the conference code to a proxy server (Column 1, lines 44-52; i.e. proxy server = operator console forwards the information to a call controller) via a provisioning database, wherein the provisioning database responds to the VRU with a signal indicating a validity or an invalidity of the conference code submitted by the VRU to the provisioning database (Column 15, lines 48-67);
- d. sending a request to the proxy server to enter the given caller into a conference call (Column 1, lines 59-65; i.e. the conference call controller originates a call to a first conference participant);
- e. determining, by the proxy server, that the request from the VRU relates to conferencing services (Column 11, lines 64-67 and continued through Column 12, lines 1-3; i.e. proxy server = conference call controller, VRU = operator console) ;

- f. forwarding, by the proxy server, the request to a conference management system (Column 15, lines 29-32), which comprises at least a data store and at least one interface server receiving the request (Column 15, lines 29-32; i.e. data store = database, interface server receiving allocation database);
- g. determining that the caller is a conference host (Column 23, lines 15-18; i.e. host = leader);
- h. requesting that a new conference be created that corresponds to the conference code entered by the given caller (Column 15, lines 33-35; i.e. a new conference = unique conference ID to the specific conference requested by the caller.);
- i. generating a unique identifier for the new conference (Column 15, lines 33-35; i.e. a unique identifier = unique conference);
- j. loading the data store with at least the conference code, the unique identifier for the new conference (Column 15, lines 29-35).

Hogan does not disclose

- r. assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference;
- s. corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer;

- t. providing the unique identifier to the one mixer and the VRU;
- u. providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU;
- v. loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier; and
- w. placing the VRU and the one mixer in audio communication.

However, Eran discloses placing the VRU and the one mixer in audio communication (Page 3, [0036], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Hogan with the teachings of Eran to include a mixer. In order to make signal processing of the calls easier and less expensive, and to allow amplification of the received signal at a frequency other than what was sent.

The combined teachings of Hogan and Eran do not disclose assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference; corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to

the one mixer and the VRU; providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU; loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

However, Homeier discloses assigning the new conference to one of a plurality of mixers, wherein the conference management system requests that the proxy server select one of the plurality of mixers to host the new conference call, which will be associated with a unique identifier generated for the new conference (Column 8, lines 15-56); corresponding a unique mixer identifier to the selected mixer stored with the conference code and the conference identifier thereby associating the conference with the mixer; providing the unique identifier to the one mixer and the VRU (Column 8, lines 15-56); providing a mixer identifier that uniquely identifies the one mixer to the VRU, wherein the mixer identifier uniquely identifies the one mixer to the VRU (Column 8, lines 15-56); loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier (Column 8, lines 15-56).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combined teachings of Hogan and Eran with the teachings of Homeier in order to prevent conference participants from being dropped from a conference due to mixer failure and in order to create an efficient system by preventing the system from re-assigning an earlier assigned and currently in use resource i.e. mixer.



10. With respect to claim 2, the claim is rejected for the same reasons as claim 1 above in addition Eran discloses determining a class of mixer associated with the conference code (Eran, Page 4, [0048], lines 3-7; i.e. appropriate mixer).

11. With respect to claim 3, the claim is rejected for the same reasons as claim 1 above in addition Eran discloses selecting a class of mixer to host the new conference based on the conference code (Eran, Page 3, [0035], lines 5-8; i.e. selects all participants that will be routed ...to the mixer).

12. With respect to claim 4, the claim is rejected for the same reasons as claim 1 above in addition Eran discloses wherein assigning the new conference includes assigning the new conference to a mixer of a class associated with the conference code (Eran, Page 3, [0035], lines 2-11; i.e. each analyze and enhance unit is assigned to a single participant...that will be routed via switch to the mixer).

13. With respect to claim 5, Hogan discloses receiving at least a second call from a second caller seeking entry to the new conference call, wherein the at least second call is received at a further VRU (Hogan, Column 20, lines 63-67 continued though to Column 21, lines 1-4; i.e. if the conference participant wishes to join...occurs automatically upon input from the participant).

14. With respect to claim 6, Hogan discloses disconnecting a communication link between a given conferee and the VRU (Hogan, Column 24, lines 36-42; Column 24, lines 8-11).

15. With respect to claim 7, the claim is rejected for the same reasons as claim 6 above in addition Eran discloses wherein disconnecting includes the given conferee entering at least one DTMF signal into a handset (Eran, Page 4, [0048], lines 1-8).

16. With respect to claim 8, Hogan discloses wherein disconnecting includes the given conferee hanging up a handset (Hogan, Column 24, lines 28-35).

17. With respect to claim 9, the claim is rejected for the same reasons as claim 1 above in addition Eran discloses sending a disconnect message to the mixer hosting a conference to which a given conferee coupled (Eran, Page 4, [0048], lines 1-8).

18. With respect to claim 10, Hogan discloses sending a disconnect message includes referencing at least one parameter that was associated with the given conferee when the given conferee entered the conference (Hogan, Column 24, lines 43-53).

19. With respect to claim 11, the claim is rejected for the same reasons as claim 1 above in addition Eran discloses muting of a single, selected conferee (Eran, Page 4, [0045], lines 1-9).

20. With respect to claim 12, the claim is rejected for the same reasons as claim 11 above in addition Eran discloses wherein muting includes at least in part referencing at least one

parameter representing an order in which a plurality of conferees entered the conference (Eran, Page 4, [0045], lines 1-9; i.e. ).

21. With respect to claim 13, Hogan discloses obtaining the parameter by requesting a roll call of the conferees (Hogan, Column 16, lines 19-31).

22. With respect to claim 14, the claim is rejected for the same reasons as claim 12 above in addition Eran discloses obtaining the parameter via web-based interface (Eran, Page 2, [0022], lines 1-12; i.e. networks and multimedia conference control unit).

23. With respect to claim 15, Hogan discloses locking at least one given conference such that no additional conferees may be added to the at least one given conference (Hogan, Column 13, lines 35-48; i.e. it is inherent that if a conference participant does not have a conference ID there will be no entry into that particular conference; Column 14, lines 46-54; i.e. a person would not setup a conference with participants that they did not want to access the conference = locked).

24. With respect to claim 16, Hogan discloses wherein locking the at least one given conference is performed on a conferencing management system without involving a mixer hosting the at least one given conference (Hogan, Column 13, lines 35-51; i.e. conference management system = participant database, it is inherent that if a conference participant does not have a conference ID there will be no entry into that particular conference).

25. With respect to claim 17, Hogan discloses wherein locking the at least one given conference is performed on at least one voice response unit receiving requests from the additional conferees, by direct access to a conferencing database (Hogan, Column 13, lines 35-51; i.e. conference management system = participant database, it is inherent that if a conference participant does not have a conference ID there will be no entry into that particular conference).

26. With respect to claim 18, Hogan discloses wherein locking the at least one given conferee is performed without involving a mixer hosting the at least one given conference (Hogan, Column 13, lines 35-48; i.e. it is inherent that if a conference participant does not have a conference ID there will be no entry into that particular conference; Column 14, lines 46-54; i.e. a person would not setup a conference with participants that they did not want to access the conference = locked).

27. With respect to claim 19, Hogan discloses selectively deleting an individual conferee from a given conference (Hogan, Column 24, lines 36-42; i.e. deleting = releases).

28. With respect to claim 20, Hogan discloses wherein deleting the at least one individual conferee includes referring to at least one parameter that is related to an order in which a plurality of conferees entered the given conference (Hogan, Column 16, lines 47-49; i.e. tracks the number of participants who have joined the conference and how many remain; Column 24, lines 36-42; i.e. deleting = releases).

29. With respect to claim 21, Hogan discloses obtaining the parameter via a roll call of conferees (Hogan, Column 16, lines 47-49; i.e. roll call = tracks the number of participants who have joined the conference and how many remain).

30. With respect to claim 22, Hogan discloses obtaining the parameter by requesting a roll call of the conferees (Hogan, Column 16, lines 19-31).

31. With respect to claim 23, Hogan discloses outdialing from within the conference call to at least one third party (Column 23, lines 6—67; i.e. ...originating a call to the other conference participant (outdialing)...the operator console is available to provide additional support to the conference...conference status a list of present conference participants).

### ***Response to Arguments***

32. Applicant's arguments filed 16 June 2008 have been fully considered but they are not persuasive.

33. With respect to applicant's argument in the middle of page 11 of 15 of the instant arguments, in regards to the rejections of claims 1-28. Applicant contends that "Eran, is not a valid prior art reference under 35 U.S.C. 102 Conditions for patentability; novelty and loss of right to patent." Applicant further quotes and cites 35 U.S.C. 102 (b) and (e). The examiner respectfully disagrees and refers applicant to the rejections above in addition to there citation of 35 U.S.C. 102 (e), where applicant quotes "(e) the invention was NOT described in - (1) an

application for patent, *published under section 122(b)*, **by another filed in the United States before the invention by the applicant for patent** or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent...". The examiner respectfully refers applicant to the bold and underlined portion of their quotation directly above, which states that not only must the application be published but it must be filed prior to applicant's application for patent. As conceded by applicant the prior art Eran was filed on August 6, 2003. Applicant's patent was filed on March 3, 2004, seven months and twenty five days after Eran was filed.

34. With respect to applicant's argument at the top of page 12 of 15 of the instant arguments, in regards to the rejections of claims 1-28. Applicant contends that the prior art does not disclose providing a mixer identifier that uniquely identifies the one mixer to the VRU. The examiner respectfully disagrees and refers applicant to the rejections above which addresses applicant's newly added limitations. As well as disclosing assigning different or several mixers to different conferences, it is obvious to a person skilled in the art that in order for any system to assign different or several mixers to a conference, the task of assigning obviously requires the system to identify the different mixers to itself, in order to keep track of the different mixers it is assigning.

35. With respect to applicant's argument at the bottom of page 12 of 15 of the instant arguments, in regards to the rejections of claims 1-28. Applicant contends that the prior art does not disclose "loading the data store with at least the conference code, the unique identifier for the

new conference, and the mixer identifier". The examiner respectfully disagrees and refers applicant to the rejections above which addresses applicant's newly added limitations. As well as disclosing loading the data store with at least the conference code, the unique identifier for the new conference, and the mixer identifier.

36. With respect to applicant's arguments on page 13 of 15 of the instant arguments. Where, applicant contends that it would not have been obvious to combine the prior art and that applicant would not have looked to Eran (even if he could) as basis for his invention. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is some teaching as well as suggestion to do so since all of the prior art used in the rejections above discloses call conferencing and it would be obvious to a person skilled in the art to combine different call conference teachings. Also, the examiner respectfully disagrees and refers applicant to the rejections above which addresses applicant's newly added limitations. As well as give further motivation for the combinations of the prior art.

36. With respect to applicant's arguments on page 14 of 15 of the instant arguments. Where, applicant contends that all independent claims as well as the dependent claims are allowable due

to the newly added limitations. The examiner respectfully disagrees and refers applicant to the rejections above which addresses applicant's newly added limitations.

***Conclusion***

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m.-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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